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Attorneys for Plaintiff
QuesTech Financial California, LLC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

QUESTECH FINANCIAL CALIFORNIA, LLC,

Plaintiff,

v.

JYM CORPORATION,

Defendant,

v.

BASKIN-ROBBINS USA CO., TOGOS
EATERIES, INC.,

Third-Party
Defendants.

**STIPULATION AND ORDER RE:
CONTINUANCE OF HEARINGS ON
TOGOS/BASKINS' MOTION FOR
SUMMARY JUDGMENT AND JYM'S
MOTION FOR SUMMARY JUDGMENT**

CIV S-04-2553 FCD GGH

BASKIN-ROBBINS USA CO., TOGOS
EATERIES, INC.,

Third-Party Defendants/
Counterclaimants/Counter-
Defendants,

v.

QUESTECH FINANCIAL CALIFORNIA, LLC,

Counter-Defendant/
Counterclaimant.

Stip & Order re Continuance of Hearing on Motions for Summary Judgment

1 Plaintiff and Counter-Defendant/Counterclaimant QuesTech Financial California, LLC
2 (“QuesTech”), Defendant and Third Party Plaintiff JYM Corporation’s (“JYM”), and Third-Party
3 Defendants and Counterclaimants/Counter-Defendants Baskin-Robbins USA, Co.’s (“Baskin”)
4 and Togos Eateries, Inc.’s (“Togo’s”) (collectively, “Baskin/Togos”), by and through their
5 respective counsel, stipulate as follows:

6 **RECITALS**

7 A. Whereas, on December 13, 2005, Baskin/Togos filed their Motion for Summary
8 Judgment (Document No. 52). Their motion currently is set for hearing on January 27, 2006 and
9 QuesTech's opposition is due on January 13, 2006;

10 B. Whereas, on December 30, 2005, JYM filed its Motion for Summary Judgment
11 (Document No. 58). Its motion currently is set for hearing on January 27, 2006 at QuesTech's
12 opposition is due on January 13, 2006;

13 C. Whereas, on December 30, 2005, QuesTech and Baskin/Togos agreed to settle
14 their respective claims against each other as set forth in the Baskin/Togos Counterclaim and in
15 the QuesTech Counterclaim. Counsel for QuesTech has prepared a draft settlement that they
16 have forwarded to counsel for Baskins/Togos for their review;

17 D. Whereas, on January 11, 2006, QuesTech and JYM agreed upon conditions by
18 which QuesTech would settle its claims against JYM as set forth in the QuesTech Complaint.
19 Counsel for QuesTech will prepare a draft settlement and forward it to counsel for JYM for his
20 review; and

21 E. Whereas, counsel for the parties agreed to continue the hearing date for two weeks
22 on Baskin/Togos's Motion for Summary Judgment and JYM's Motion for Summary Judgment
23 since they need additional time to finalize and execute the aforementioned settlement
24 agreements.

25 **STIPULATION**

26 1. The hearing date on Baskin/Togos' Motion for Summary Judgment and JYM's
27 Motion for Summary Judgment, currently set for January 27, 2006 at 10:00 a.m., is vacated; and
28

2. The hearing date on Baskin/Togos' Motion for Summary Judgment and JYM's Motion for Summary Judgment shall be reset for February 10, 2006 at 10:00 a.m.

3. QuesTech shall file its opposition papers to Baskin/Togo's Motion for Summary Judgment and/or JYM's Motion for Summary Judgment by January 27, 2006.

Dated: January 13, 2006
McDonough Holland & Allen PC
Attorneys at Law

By: /s/ Stephen M. Lerner
Stephen M. Lerner
Attorney for Plaintiff and
Counterclaimant/Counterclaim-Defendant
QuesTech Financial California, LLC

Dated: January 13, 2006
Wilke, Fleury, Hoffelt, Gould & Birney, LLP

By: /s/ Daniel L. Egan
Daniel L. Egan
Attorneys for Third-Party Defendants and
Counterclaimants/Counter-Defendants Baskin-
Robbins USA, Co. and Togos Eateries, Inc.

Dated: January 13, 2006
Cohen ♦ Durrett

By: /s/ Gregory M. Finch
Gregory M. Finch
Attorney for Defendant and Third-Party Plaintiff
JYM Corporation

ORDER

IT IS HEREBY ORDERED as follows:

1. The hearing date on Baskin/Togos' Motion for Summary Judgment and JYM's Motion for Summary Judgment, currently set for January 27, 2006 at 10:00 a.m., is vacated; and

2. The hearing date on Baskin/Togos' Motion for Summary Judgment and JYM's Motion for Summary Judgment shall be reset for February 10, 2006 at 10:00 a.m.

1 3. QuesTech shall file its opposition papers to Baskin/Togo's Motion for Summary
2 Judgment and/or JYM's Motion for Summary Judgment by January 27, 2006.

3 Dated: January 18, 2006

4 /s/ Frank C. Damrell Jr.
5 UNITED STATES DISTRICT JUDGE
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